

PLANNING BOARD  
CITY OF SOUTH AMBOY

**RESOLUTION # 05-2008**

**A RESOLUTION APPROVING MINOR SUBDIVISION AND PRELIMINARY AND FINAL MAJOR SITE PLAN TO AMBOY DEVELOPMENT, LLC FOR BLOCK 42, LOTS 19, 20 & 21**

**WHEREAS**, application has been made by Amboy Development, LLC, (“Applicant”) to the Planning Board of the City of South Amboy (“Board”) for minor subdivision and preliminary and final site plan approval (Block 42, Lots 19, 20 & 21, located in South Amboy); and

**WHEREAS**, the Planning Board held a public hearing on February 21, 2008 and has carefully considered the application as well as the testimony and exhibits presented by the Applicant; and

**WHEREAS**, said Applicant was represented by Robert F. Dato, Esquire; and

**WHEREAS**, the Application for subdivision was to subdivide Block 42, Lot 19 into two lots, one lot of approximately 2,500 square feet and containing the currently-existing residential structure to be named Lot 19.01 and the remainder of Lot 19 to be utilized, along with the adjacent Lots 20 and 21 for the construction of 2 mixed use buildings containing retail space on the first floor and a total of 22 residential units; and

**WHEREAS**, the Application for site plan approval was for the construction of two mixed use (commercial / residential) buildings with first floor retail, 22 residential units with associated parking and other amenities; and

**WHEREAS**, the following Findings of Fact were made:

**FINDINGS OF FACT**

1. The Applicant seeks to obtain subdivision approval to subdivide Block 42, Lot 19 into two lots to be designated Lots 19 and 19.01, with newly created 19.01 to continue to be utilized

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with a residential use currently existing on the property and the remainder to be utilized, along with Block 42, Lots 20 and 21 for the construction of two mixed use buildings.

2. Block 42, Lots 20, 21 and a portion of the previous Lot19 will be utilized for the construction of 2 mixed-use buildings containing 3,594 square feet of retail space on the first floors and a total of 22 residential units, with associated parking and other amenities.
3. Both the subdivision and site plan applications are fully conforming to the applicable zoning regulations and do not require any variances.
4. That a signed and sealed survey entitled "Topographic & Boundary Survey, Amboy Development, LLC", as prepared by Feist Engineering, dated 6/28/07 was submitted and considered by the Board.
5. That a Final Map plat, entitled "Minor Subdivision Kenn Firpo – Amboy Development, LLC Mixed Use Development," prepared by Feist Engineering, dated 8/14/07 was submitted and considered by the Board.
6. That a Plan entitled "Preliminary & Final Major Site Plan Amboy Development, LLC Block 42, Lots 19, 20, 21" prepared by Feist Engineering, dated 8/14/07, revised through 2/8/08, consisting of seventeen (17) sheets was submitted and considered by the Board.
7. That a Stormwater Management Report, prepared by Feist Engineering, dated 8/8/07, revised through 2/7/08 was submitted and considered by the Board.
8. That architectural floor plans/elevation views, entitled, "Proposed Mix Use Buildings for: Amboy Development, LLC," prepared by Michael V. Testa, Architect, dated 8/30/07, revised through 2/4/08, consisting of five sheets, was submitted and considered by the Board.
9. That the project is located in the Broadway/Main Street Redevelopment Area and consists of a permitted use and does not require the issuance of any variances.

Based upon the above Findings of Fact, the Board Concludes as follows:

### CONCLUSION

1. That the Preliminary and Final Major Site Plan as submitted and made part of the record, is herein approved subject to the conditions set forth in the AJV Engineering, Inc. report of and the conditions set forth on the record.



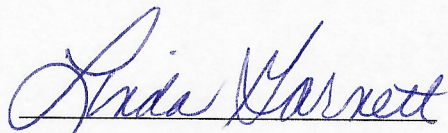
2. That the Minor Subdivision as submitted and made part of the record, is herein approved subject to the conditions set forth in the AJV Engineering, Inc. report of February 14, 2008 and the conditions set forth on the record.

**NOW, THEREFORE, BE IT RESOLVED** that the Application for Minor Subdivision and a Preliminary and Final Major Site Plan are herein granted subject to the following conditions:

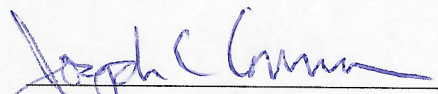
1. Applicant shall comply with the terms of the AJV Engineering, Inc. report of February 14, 2008.
2. That any revisions of the Plans and Exhibits be submitted in accordance with the comments of said Board Engineer, as set forth in the AJV Engineering, Inc. report of February 14, 2008.
3. The execution and filing of a permanent access easement to provide access to the parking spaces on the newly-created Lot 19.01 in conformance with the outline of such easement placed on the record at the February 21, 2008 hearing, with the terms and conditions of the easement to be reviewed and approved by the Board Engineer and Attorney prior to execution and filing.
4. The required vacations of George Street, Broadway and the overhand on Broadway, with such vacations to be provided by the governing body of the City of South Amboy.
5. The plantings and landscaping will be as shown on Exhibit A-3.
6. The sanitary sewer system located on the subject property will be maintained by the occupants of the subject property.
7. Applicant shall prepare a deed to perfect minor subdivision approval pursuant to N.J.S.A. 40:55D-47 (d) for signature by the Board Chairman and Secretary. The said deed shall be reviewed by the Board Planner and Board Attorney prior to execution on behalf of the Board.
8. Applicant shall publish a brief notice of determination in an official newspaper of the City within 20 days of receipt of a copy of this Resolution from the Planning Board Secretary. Applicant shall furnish to the Board an Affidavit of Publication by said newspaper.
9. The application shall be revised to indicate that there will be two and not three off-street parking spaces provided on newly-created Lot 19.01.
10. Installation of signage indicating that the access to Bordentown Avenue shall be by right turn only and that left turns onto Bordentown Avenue are prohibited.
11. The plans shall be revised to indicate a six-foot wide sidewalk behind Building A separated from the parking area.

12. The dumpster area will be increased by fifty (50) percent and solid waste disposal shall be a private service with service adjusted as necessary according to the demands of the occupants of the buildings.
13. Foundation plantings will be on George Street. On Broadway there will be street trees in lieu of foundation plantings.
14. Approval is subject to review and approval of the South Amboy Fire Department, Architectural Review Committee and any other governmental entity having jurisdiction or authority over the application.
15. That all outstanding taxes, application, and escrow fees be paid in full.
16. This Resolution shall take effect as provided by law.

ATTEST:

  
LINDA GARNETT, Secretary

PLANNING BOARD OF THE  
CITY OF SOUTH AMBOY

  
~~MICHAEL WILDAY, Chairman~~  
Joseph Connors, CHAIR



**RESOLUTION AUTHORIZING CLOSED SESSION**  
**PURSUANT TO THE OPEN PUBLIC MEETINGS ACT**

BE IT RESOLVED by the City of South Amboy Planning Board in the County of Middlesex and State of New Jersey on this 26<sup>th</sup> day of March, 2008, as follows:

1. The Planning Board shall adjourn to executive session in accordance with N.J.S.A. 10:4-12(b)(7), being the Open Public Meetings Law, in order to discuss pending litigation in Amboy Aggregates v. South Amboy Mayor and Council, Docket No. MID-L-2024-99.

2. The matter under discussion will be disclosed at such time that the above pending litigation is resolved by final non-appealable Order of the Court or at such time that the above pending litigation is settled by the parties.

3. The Planning Board shall convene following the executive session to consider other matters on its regular meeting agenda.

4. This Resolution shall take effect as provided by law.

I hereby certify that this is a true copy of a Resolution enacted at a duly convened public meeting of the City of South Amboy Planning Board held on March 26, 2008.

  
Linda Garnett, Planning Board Secretary